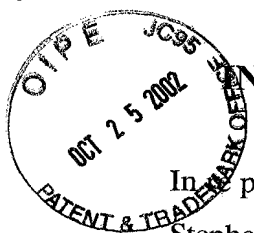


GP/1639



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 086671/0113

In patent application of
Stephen W. SCHERER et al.

Examiner: Einsmann, Juliet Caroline

#11

Application No.: 09/744,072

Group Art Unit: 1634

RECEIVED

Filed: July 2, 2001

OCT 28 2002

For: LAFORA'S DISEASE GENE

TECH CENTER 1600/2900

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

This Paper is filed in response to the Restriction Requirement mailed on September 26, 2002.

REMARKS

The Examiner restricted the claims of the application into seventeen (17) Groups of claims, specified at page 2 of the Restriction Requirement. In response to the Restriction Requirement, Applicants elect Group I, claims 1-6 and 20-22, drawn to nucleic acids, with traverse.

The Restriction Requirement is traversed on the grounds that the search and examination of at least claims 1-6, 20-22, and 7-16 could be performed without serious burden. MPEP § 803 clearly states that "[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." (emphasis added). It is respectfully submitted that this policy should apply in the present application to avoid unnecessary delay and expense to Applicants in duplicative examination by the Patent Office.


Applicants therefore request that the subject matter of claims 7-16 be joined that that of elected Group I.

In accordance with this election with traverse, applicants reserve all rights in the non-elected claims, including the right to file one or more divisional applications covering the subject matter thereof.

If there are any fees due in connection with the filing of this Response, please charge the fees to Deposit Account No. 19-0741. If a fee is required for an extension of time under 37 C.F.R. §1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

Date: Oct 25, 2002


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